

Appl. No. : 09/737,168  
Filed : December 13, 2000

## REMARKS

Claims 1, 8, 9 and 12 have been amended, and Claims 16-22 have been added. Thus, Claims 1-22 are presented for examination. The amendments to Claims 1, 8, 9 and 12 are supported by the original claims themselves, and the specification and drawings. See, for example paragraph Nos. 0069-0074 of the specification. New Claims 16-22 are supported by, for example, original Claims 1, 8 and 12, and further by the specification. For example, see paragraph Nos. 0069-0074 and 0087-0093 of the specification.

The drawings (Figures 1 and 2) have been amended to correct minor typographical errors. The specification has been amended to simply reflect a change of a reference numeral in Figure 1. No new matter is added by the foregoing amendments. Applicant respectfully requests the entry of the amendments and reconsideration of the application.

### Discussion of Rejection Under 35 U.S.C. § 103

The Examiner rejected Claims 1-15 under 35 U.S.C. § 103 (a) as being unpatentable over Gill (U.S. Patent No. 4,736,294). Applicant respectfully disagrees.

### Claimed Invention

Independent Claim 1 is directed to an electronic vehicle loan approval system. The system comprises an electronic vehicle loan application, a credit score module, a qualification module and an ordering module. The qualification module comprises computer readable instructions, among other features, to receive a plurality of loan approvals from banks. The ordering module is configured to rank the loan approvals based on the value of each approved loan to the vehicle dealership and to create a list of approved loans.

Independent Claim 8 is directed to a computerized method of determining the most advantageous loan application for a vehicle dealership. The method comprises, among other features, submitting the loan application for a first vehicle to one or more banks; receiving a denial of the loan application for the first vehicle; and resubmitting the loan application for a second vehicle. Here, responsive to the denial, the second vehicle is selected from an inventory of vehicle. The method further comprises receiving a plurality of loan approvals for at least one of the first and second vehicles; and ranking said approved loans based on the revenue that each

of said approved loans would generate for the dealership, thereby creating a list of approved loans.

Independent Claim 12 is directed to a system for approving a vehicle loan application. The system comprises, among other features, means for submitting the loan application to one or more banks; means for receiving a denial of the loan application from at least one of the one or more banks; and means for resubmitting the loan application for a second vehicle to the at least one bank that has denied the loan application for the first vehicle. Here, responsive to the denial, the second vehicle is selected from an inventory of vehicle. The system further comprises means for receiving a plurality of loan approvals for at least one of the first and second vehicles; and means for ranking said approved loans based on the revenue that each of said approved loans would generate for the dealership and for creating a list of approved loans.

Although not rejected in the Office Action, new independent Claim 16 is directed to a computerized method of determining a loan application for a vehicle dealership. The method comprises, among other features, receiving vehicle loan application data; submitting a vehicle loan application to a plurality of lenders; receiving a plurality of loan approvals from one or more of the plurality of the lenders; ranking the plurality of approved loans based on revenue that each of the approved loans would generate for the dealership; and creating a list of the approved loans based on the ranking.

Although not rejected in the Office Action, new independent Claim 22 is directed to a system for determining the most advantageous loan application for a vehicle dealership. The system comprises, among other features, means for receiving vehicle loan application data; means for submitting a vehicle loan application to a plurality of lenders; means for receiving a plurality of loan approvals from one or more of the plurality of the lenders; means for ranking the plurality of approved loans based on revenue that each of the approved loans would generate for the dealership; and means for creating a list of the approved loans based on the ranking.

#### Disclosure of Gill

Gill discloses a data processing method and system for managing vehicle financing. The system for managing vehicle financing provides for determination of the loan payment amount; evaluation of a loan applicant's credit worthiness; follow-up of delinquent accounts; renewal of loan interest terms; determination at the time the loan is made of a car price ("residual value")

guaranteed at the end of the predetermined term of the loan; adjustment of the residual value to take into account kilometers driven; and closing out or refinancing of the original loan at the end of the term. See Gill from column 1, line 60 to column 2, line 2.

Gill's method of administering vehicle financing comprises: entering and storing loan application data; computing a residual value of the vehicle based upon the stored data of the vehicle and loan term; computing a periodic principal and interest payment based upon the difference between the total amount of financing sought and the residual value over the loan term including interest thereon; computing the periodic interest on the residual value; processing the periodic principal and interest payment and the periodic interest on the residual value to obtain the periodic loan payment; retrieving financial information concerning the loan applicant; analyzing the financial information to compute a credit score for use in determining whether to grant credit to the applicant; creating a new loan account; monitoring the status of said loan account to determine when the last date of the term of the loan (option date) is reached; and at the option of the borrower, applying the residual value to the balance of the loan to close out the loan at the end of the term. See Gill at column 2, lines 27-51.

As the Examiner notes in the Office Action, Gill fails to teach a vehicle dealership (Office Action at page 3, line 2) and multiplicity of banks or vehicles (Office Action at page 4, lines 1-2). Gill also fails to teach ranking a plurality of loan approvals based on value of each approved loan to the vehicle dealership, and creating a list of the approved loans. As also noted by the Examiner, Gill fails to teach selecting a second vehicle in response to a denial of the application (Office Action at page 4, lines 1-2 from the bottom) and also fails to teach resubmitting a loan application for the second vehicle (Office Action at page 5, lines 7-8).

Gill Does Not Establish a *Prima facie* Case of Obviousness

Under 35 U.S.C. § 103 the Examiner has the burden to establish a *prima facie* case of obviousness. *In re Piasecki*, 745 F.2d 1468, 1471-72, 223 USPQ 785, 787-87 (Fed. Cir. 1984). To establish a *prima facie* case of obviousness, three basic criteria must be met: first, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; second, there must be a reasonable expectation of success; and finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See

M.P.E.P. § 2143. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Applicant argues that the Examiner has not met this burden.

Gill fails to teach receiving a plurality of loan approvals from one or more banks, which are common features of independent Claims 1, 8, 12, 16 and 22. The Examiner asserts that plurality (of the banks or loan approvals) does not establish novelty unless a new use is provided, and that no new use was found. The claims recite receiving of a plurality of loan approvals, ranking or prioritizing them, and creating a list of the approved loans based on the ranking. As such, the plurality of loan approvals differs from Gill's processing of a single loan application or repetition of such processing of a single loan application. The plurality of loan approvals has completely different use from the Gill's loan processing. By lacking the features of receiving a plurality of loan approvals from one or more banks, the prior art fails to teach or suggest all of the claim limitations of each independent Claim 1, 8, 12, 16 or 22.

Further, Gill fails to teach ranking a plurality of loan approvals based on certain criteria and creating a list of the approved loans, which can also be found in independent Claims 1, 8, 12, 16 and 22. Since Gill is absent the feature of receiving a plurality of loan approvals, Gill is totally unconcerned about ranking the plurality of approved loans. Consequently, Gill is unconcerned about the criteria of the ranking, which is "based on value of each approved loan to the vehicle dealership" or "revenue that each of the approved loans would generate for the dealership." Also, Gill does not create a list of the approved loans based on their ranking of value to the dealership. By lacking these claimed features, the prior art does not teach or suggest all of the claim limitations of each independent Claim 1, 8, 12, 16 or 22.

Moreover, Gill fails to teach the claim features 1) selection of a second vehicle in response to a denial of a loan application for a first vehicle from a bank and 2) resubmission of the loan application for the second vehicle 3) to the bank that has denied the application for the first vehicle, which are the common features of independent Claims 8 and 12. The Examiner asserted that selecting a second vehicle and resubmitting a loan application is old and well known in the consumer art and banking art. Applicant submits that each of these features is not old or well known in the art. The Examiner failed his burden to provide specific teaching or suggestion of the features 1), 2) and 3) in Gill or other prior art.

Even if, *arguendo*, these features 1), 2) and 3) were well known, the Examiner has failed to provide motivation or suggestion to combine these features in the prior art. The Examiner asserted that it would have been obvious to one of ordinary skill in the art to implement this feature of a second vehicle for the advantage of maximizing profit by potentially approving a second loan application. Applicant submits that what the Examiner asserts is the teaching of the claimed invention, not the teaching or suggestion of the prior art. The prior art including Gill teaches or suggests nothing about maximizing profit for the vehicle dealership by the combined features, 1), 2) and 3).

Further, even though these features, 1), 2) and 3), were well known, one of ordinary skill in the art would not have reached the claimed combination. There are numerous ways that a vehicle dealership and a loan applicant can choose to proceed in response to a denial of a loan application. For example, the dealership may submit the same application for the first vehicle to other banks; the applicant may change the down payment amount; the loan applicant may choose to use his/her own bank, not through the dealership; the loan applicant may stop purchasing or leasing the vehicle. In view of these many possibilities, one of ordinary skill in the art would not have reached the claimed combination without more specific teachings or suggestions toward the claimed invention than mere existence of individual and unrelated practice like the features, 1), 2) and 3).

In summary, because the prior art does not teach or suggest all of the claim limitations of each independent claim, the Examiner has failed to establish a *prima facie* case of obviousness against Claims 1, 8, 12, 16 and 22. In addition, with regard to Claims 16 and 22, the prior art does not provide suggestion or motivation to combine the claim features 1), 2) and 3). In view of the foregoing, Applicant submits that Claims 1, 8, 12, 16 and 22 and their related dependent claims are patentable over Gill. For all of the above reasons, Applicant respectfully requests withdrawal of this rejection.

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### CONCLUSION

In view of Applicant's amendments to the claims and the foregoing remarks, Applicant respectfully submits that the present application is in condition for allowance. Should the Examiner have any remaining concerns, which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Respectfully submitted,

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Dated: 11/8/04

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